

## REMARKS

By this paper, claim 1 has been amended and claim 2 has been canceled. Claims 1, 3-16, 18-21, 38-44 and 56-60 are pending.

In the outstanding Office action dated March 13, 2006, claims 1, 2, 5-7, 13, 19-21, 38, 43, 56, 57 and 60 were rejected under 35 U.S.C. § 102(e) as being anticipated by Fariabi (6,419,693). Additionally, claims 1, 3, 4, 40-42, 53, 55, 58 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Helmus (US 2002/0032477).

Independent claim 1 and dependent claims 3-6, 13, 19-20, 38, 40-44, 53 and 55 have been amended to recite a balloon expandable radiopaque stent comprising cobalt, chromium, one or more radiopaque materials and trace elements selected from the group of silicon, phosphorus, carbon and sulfur. It is respectfully submitted that as amended, claims 1, 3-6, 13, 19, 20, 38, 40-44, 53 and 55 recite allowable subject matter. Notably, the Helmus publication teaches away from such a balloon expandable stent.

Turning now to the rejection of claims 56, 57 and 60 under § 102(e) and the rejection of claims 58 and 59 under § 103(a), it is respectfully submitted that the recitation of a radiopaque stent comprising a cobalt chromium alloy including trace elements selected from the group of silicon, phosphorous, carbon and sulfur is believed to be patentable.

Therefore, it is respectfully submitted that each of pending claims 1, 3-16, 18-21, 38-44 and 56-60 can be passed to issue.



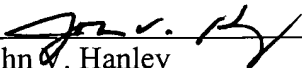


CONCLUSION

Applicants have attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above amendments and remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

FULWIDER PATTON LLP

By:   
John W. Hanley  
Registration No. 38,171

JVH:kst

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201  
128747.1